

UNITED STATES DISTRICT COURT

for the
District of Rhode Island

2014 MAY -7 P 00
United States of America)

v.)

GLEN LONARDO)

D.O.B.: 1965)

CRANSTON, RHODE ISLAND)

Defendant

Case No.

1:14 MJ104A

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of 07/20/13 up to 01/14/14 in the county of Providence in the Judicial District of Rhode Island, the defendant violated 21 U. S. C. § 802(32)(A), an offense described as follows:

813, 841(a)(1) and (b)(1)(C)

Possessed with intent to distribute a mixture and substance containing a detectable amount of:
a-Pyrrolidinovalerophenone (a-PVP), an analog of methylenedioxypyrovalerone (MDV), a Schedule I Controlled Substance.

This criminal complaint is based on these facts:

See attached Affidavit of Task Force Agent Kevin Antonucci, United States Drug Enforcement Administration.

☒ Continued on the attached sheet.


Complainant's signature

Task Force Agent Kevin Antonucci, DEA
Printed name and title

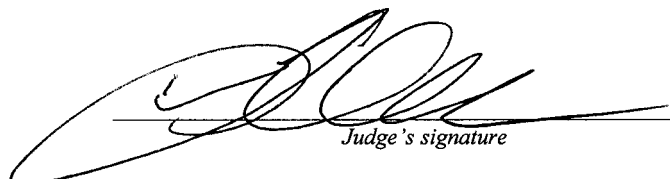
Sworn to before me and signed in my presence.

Date:

5/7/14

City and state:

Providence, Rhode Island


Judge's signature

U.S. Magistrate Judge Lincoln D. Almond
Printed name and title

AFFIDAVIT

I, Kevin Antonucci, do under oath depose and say:

1. I am a member of the Cranston Police Department, and have been continuously employed in that capacity for eighteen years. I hold the rank of Detective Sergeant and currently serve as the commanding officer of the Special Investigations Unit (SIU). Among other things, the Cranston Police Department SIU is responsible for investigating violations of the Controlled Substances Act. I have been investigating drug offenses for the past four years. I have worked on numerous investigations involving the distribution of cocaine, crack cocaine, heroin, marijuana, and a variety of other controlled substances. For the past two and a half years, I have served as a Task Force Officer (TFO) on the U.S. Drug Enforcement Administration (DEA) Task Force. As a TFO my duties include, but are not limited to, the investigation of violations of federal law under the Controlled Substances Act.

2. I submit this affidavit in support of the issuance an Arrest Warrant for Glen Lonardo, (LONARDO), who was born in the year 1965 and who has a last known address in Cranston, Rhode Island, along with a Criminal Complaint charging him with possession with intent to distribute a mixture and substance containing a detectable amount of: a-Pyrrolidinovalerophenone (a-PVP), an analog of methylenedioxypropylvalerone (MDV), a Schedule I Controlled Substance in violation of 21 U.S.C. §§ 802 (32)(A), 813, 841(a)(1) and (b)(1)(C).

3. This affidavit is being submitted for the limited purpose of establishing probable cause, therefore, I have not included each and every fact known to me

regarding this investigation. I have only set forth only the pertinent facts that I believe are necessary to establish probable cause.

4. The facts and information contained in this affidavit is based upon my personal knowledge gained in the course of this investigation as well as information reliably provided to me by other officers and agents of the DEA, Cranston (CPD) and West Warwick (WWPD) Police Departments.

5. During the spring and early summer of 2013, members of the CPD began receiving complaints of apparent drug overdoses and erratic behavior by individuals in and around the Arlington section of the City; particularly in the vicinity of Cranston Street.

6. Many of the people involved in these incidents appeared to responding officers to be under the influence of drugs of some sort. Some of drug intoxicated persons appeared to be overdosed. Several people advised CPD Officers they had purchased "bath salts" from Buddha's Bazaar which was located at 1147 Cranston Street. Buddha's Bazaar is owned by LONARDO.

7. "Bath salts" is a generic term applied to a variety of chemical substances sold under various names for purported use as bath salts, glass cleaner, or incense (among other things) but which is being consumed, smoked or injected by drug addicts to experience a "high." The various chemical substances are often scheduled drugs or analogues of scheduled drugs.

8. CPD Officers, including myself, began monitoring Buddha's Bazaar and saw a high amount of traffic, both vehicular and foot traffic entering the store and

leaving a short time later. Based on my training and experience, that activity can be an indicator of narcotics trafficking. Although Buddha's Bazaar is a retail shop, in my opinion -- the nature, frequency and duration of the visits to an otherwise obscure shop was suspicious.

9. Several people were approached leaving the store and advised CPD Officers that they had bought packages of bath salts with different brand names at Buddha's Bazaar, such as "Nuke" or "Crush" and planned on using the substances to "get high."

10. Based on those incidents and that preliminary investigation, CPD Detective Ronald Fuoroli went to Buddha's Bazaar in an undercover capacity on July 10, 2013 for the purpose of buying bath salts. Detective Fuoroli asked the clerk for a "large package of Nuke" and was sold the substance for \$29.95. The substance was sent to the Rhode Island Department of Health drug lab where it tested positive for a-PVP.

11. Also during the course of the investigation, on July 29, 2013, WWPD Detective Mario Cerullo, who assisted in this investigation, went to Buddha's Bazaar in an undercover capacity to buy bath salts.

12. Detective Cerullo inquired about the quality of "Nuke" and the clerk told him that if he smoked the Nuke he would be "all set." Detective Cerullo was also told that the Nuke would not come up positive on a drug test. Detective Cerullo purchased a packet of Nuke which was later sent to the state lab and the substance also tested positive for a-PVP.

13. Based on our investigation I prepared a federal search warrant which was

reviewed and signed by U.S. District Court Magistrate-Judge Patricia A. Sullivan, authorizing a search of Buddha's Bazaar.

14. On August 2, 2013, members of the DEA Task Force and the CPD executed the search warrant.

15. While searching the business, the LONARDO arrived and immediately began calling his attorneys. He was advised to be patient while the search was being conducted. LONARDO offered that he had nothing to hide. He also volunteered that he knew what we were looking for.

16. LONARDO escorted Agents to the rear of the store where he opened up several DVD boxes which concealed the suspected bath salts. Agents also found a box of empty black packets and several rolls containing stick-on labels for "Nuke," "Drone," "Frenzy," and Krush," (among others) that had been observed by CPD Officers on the different brands of bath salts. The seizure of packaging material led investigators to believe LONARDO was packaging these drugs himself and they were not, as the labels indicated -- for use as glass cleaner.

18. LONARDO made several statements, including that he knew the law and had the chemicals tested so that customers would not get sick. When asked why he would have glass cleaner tested he could not give a clear answer.

19. Investigators later spoke to the store clerk, Kenneth Lolio who said that he and other employees were instructed to keep bath salts behind the counter and only sell them when a customer asked for them. He said that he was told by LONARDO to refrain from calling these packets "bath salts" when asked by customers, because bath

salts were illegal and the product he was selling was legal.

20. Lolio also said that on several occasions, LONARDO had left him empty black packets and labels of the type described instructing him to stick the labels on black packets. However, he said that only LONARDO ever actually packaged the materials. He also said he did not know where the unpackaged material was stored.

21. Lolio said that he often sold these products to people who appeared under the influence and he was aware that the police had been in the store numerous times to advise the management to stop selling these products.¹ He said that he estimated that 75% to 80% of Buddha's business was from the sale of these products.

22. Agents and Detectives seized over 100 packets of bath salts labelled Nuke, Krush, and Frenzy from the store, all of which tested positive for a-PVP (sometimes in combination with other chemicals).

23. They also seized approximately 21 bags of "Blast" containing 4-Methylethcathinone (4-MEC), an analog of Methcathinone, a Schedule I Controlled Substance, and a foil packet containing plant material that tested positive for 1-Pentyl-3-(2,2,3,3-tetramethylcyclopropyl)indole (UR-144), an analogue of JWH-018 a Schedule I Controlled Substance (as of May 16, 2013). In addition they seized: 74 bags of suspected synthetic marijuana; several vials and capsules containing an as yet unknown substance, and packets labelled "Super Rush" that did not test positive for any controlled substances. Various pieces of paperwork that tied LONARDO to the business were also seized in the raid.

¹ I had personally gone to Buddha's Bazaar to warn clerks about the sale of these products. In response, on one occasion, LONARDO came to the CPD to confront me about the lawfulness of the activity.

24. After the CPD/DEA investigation, the WWPD began investigating a business known as XCitement Video and Smoke Shop (XCitement) located at 263 Quaker Lane in West Warwick. That business is also owned by LONARDO and WWPD Detectives had information that bath salts were being sold there.

25. WWPD Detective Cerullo utilized a confidential informant to make a controlled purchase of bath salts from the store. The substance that was purchased was sent to the state lab and came back positive for a-PVP.

26. Detective Cerullo also conducted three undercover purchases of bath salts at XCitement. All of which tested positive for a-PVP.

27. On January 17, 2014, at approximately 7:52 PM members of the WWPD were dispatched to XCitement for a reported breaking and entering. While processing burglary, Detective Cerullo, who was familiar with LONARDO'S activities from his involvement in the WWPD and CPD investigations, located a pile of DVD cases that appeared to have been rummaged through in the break. According to the police report, these cases were near the register and away from any customers' reach.

28. Detective Cerullo was familiar with the way LONARDO concealed bath salts in DVD containers from the execution of the Cranston warrant. He suspected that it was possibly bath salts that the burglars were after and had stolen. While further processing the crime scene Detective Cerullo came upon numerous packages of "Nuke," which he immediately recognized was the same substance we had been previously seized from Buddha's Bazaar and purchased by West Warwick Detectives at XCitement, along with what appeared to be several other brand names of bath salts.

29. In the ordinary course of police business, LONARDO was summoned to his property because of the breaking and entering. In speaking with investigating officers he told Detectives that the items believed to be bath salts found in the store were in fact his and were offered for sale in the store. LONARDO told investigators that his Cranston store (Buddha's Bazaar) had been raided by the CPD and DEA. He told detectives that the bath salts were only hidden to prevent theft. However, he could not explain why other products were not concealed the way bath salts were. He also told detectives that he was aware the bath salts contained a-PVP but he claimed that he had researched the issue on his own and did not feel it was illegal to sell these products.

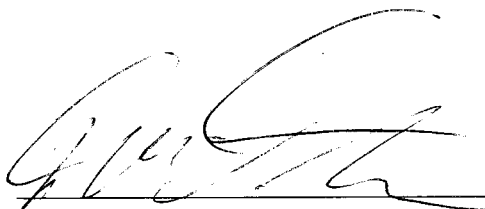
30. WWPD detectives applied for and obtained a warrant to further search the store. Later the same day detectives executed that warrant. When the detectives arrived to execute the warrant, they encountered two customers who were attempting to drive away from the store at the time they arrived. They were stopped and questioned. They identified themselves by name and as drug users who drove to XCitement from Massachusetts to buy "Nuke" at the store.

31. LONARDO returned to his store during the execution of the search warrant he was arrested by WWPD on state drug charges. After being provided with his *Miranda* warnings, LONARDO admitted that: he sells Nuke; Nuke contains a-PVP; Nuke is not a Schedule I drug; he purchased the drug from China; 40% of the Smoke Shop profit is from the sale of Nuke; he suspected that it was being used for human consumption as a male enhancement product and; he stopped advertising bath salts for sale but only because he was concerned about shoplifting. When asked why he was no

longer selling the product in Cranston, but only in West Warwick, he replied that he was, "awaiting confirmation that it was not a scheduled controlled substance."

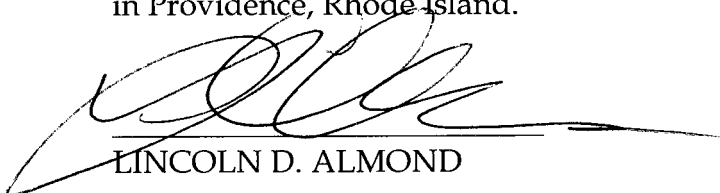
32. The search of XCitement resulted in the seizure of more bath salts. The chemicals seized during the West Warwick search were tested and also contained a-PVP.

33. I therefore suggest that there is probable cause to believe that from a time unknown, but at least from on or about July 10, 2013 up to and including January 14, 2014, LONARDO possessed with intent to distribute a mixture and substance containing a detectable amount of: a-Pyrrolidinovalerophenone (a-PVP), an analog of methylenedioxypyrovalerone (MDV), a Schedule I Controlled Substance in violation of 21 U.S.C. §§ 802 (32)(A), 813, 841(a)(1) and (b)(1)(C).



KEVIN ANTONUCCI
Task Force Officer
United States Drug Enforcement
Administration

Subscribed and sworn to before me
this 7th day of May, 2014,
in Providence, Rhode Island.



LINCOLN D. ALMOND

United States Magistrate Judge